

Sixth Appellate District

San Jose, California

MONDAY, JULY 11, 2005

H027646 PEOPLE v. BADILLO

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: July 11, 2005

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H028738 LETICIA S. v. SUPERIOR COURT; D.F.C.S.

The petition for extraordinary writ is denied. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 11, 2005

TUESDAY, JULY 12, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H026710 PEOPLE v. HEANG, et al.

Cause called and argued by Philip M. Brooks appearing for Appellant Heang, Julie Schumer appearing for Appellant Touch, and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026609 PEOPLE v. RUIZ

Cause called and argued by Joseph Courtney Shevelson appearing for Appellant and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027709 PEOPLE v. GEORGE

Cause called and argued by Lyn A. Woodward appearing for Appellant and by Laurence K. Sullivan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027675 NMSBPCSLDHB, et al. v. CHAVEZ, et al.

Cause called and argued by John Schuck appearing for Appellants and by Mark Bonino appearing for Respondents. Cause ordered submitted. Court is adjourned until the 1:30 p.m. calendar.

Sixth Appellate District

San Jose, California

Tuesday, July 12, 2005 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H027078 PEOPLE v. FIELD

Cause called and argued by Carolyn Fershtman appearing for Appellant and by Margo J. Yu, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028057 IN RE ERNEST OCHOA ON HABEAS CORPUS

Cause called and argued by Sharon Fleming appearing for Petitioner and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027140 MARTIN, et al. v. SAFEWAY, INC.

Cause called and argued by David E. Goldman appearing for Appellants and by William Hill appearing for Respondent. Cause ordered submitted.

H027147 NGO v. A-PLUS MANUFACTURING CORPORATION, et al.

Cause called and argued by Ann Nguyen appearing for Appellant and by Robert Wilger appearing for Respondents. Cause ordered submitted.

H026688 OAKLAND RAIDERS v. NATIONAL FOOTBALL LEAGUE, et al.

Cause called and argued by Simon Frankel appearing for Appellant and by Allen Ruby appearing for Respondents. Cause ordered submitted. Court adjourns.

H027845 PEOPLE v. DAVID P.

H028012 PEOPLE v. BRUTSCHE

H028041 PEOPLE v. STEWART

H028145 DALY v. YESSNE, ET AL.

H028235 PEOPLE v. ALDAMA

The cause herein is ordered submitted.

Dated: July 12, 2005 RUSHING, P.J.

H028335 PEOPLE v. ANYAFULU

The cause herein is ordered submitted.

Dated: July 12, 2005 PREMO, Acting P.J.

Sixth Appellate District

San Jose, California

Tuesday, July 12, 2005 (continued)

H028289 PEOPLE v. WILKINS  
H028357 PEOPLE v. CAMACHO  
H028323 PEOPLE v. GONZALEZ  
H028324 PEOPLE v. HARVEY  
H028554 PEOPLE v. SAVINON

The cause herein is ordered submitted.

Dated: July 12, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H027835 PEOPLE v. ALLEN

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated May 6, 2005, is hereby vacated. The court by separate letter issued July 11, 2005, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: July 12, 2005 Bamattre-Manoukian, Acting P.J.

WEDNESDAY, JULY 13, 2005

H028378 PEOPLE v. ACUNA

The cause herein is ordered submitted.

Dated: July 13, 2005 RUSHING, P.J.

H028378 PEOPLE v. ACUNA

The judgment is modified to reduce the restitution fine to \$200 (Pen. Code, § 1202.4, subd. (b)) and to impose an identical \$200 suspended parole-revocation fine (Pen. Code, § 1202.45). As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 13, 2005

H026440 PEOPLE v. MARTINEZ, JR.

The judgment is reversed and the matter is remanded for further proceedings. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 13, 2005

H027152 PEOPLE v. RODRIGUEZ

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 13, 2005

Sixth Appellate District

San Jose, California

THURSDAY, JULY 14, 2005

H027676 AGUILAR v. CENTURY 21-SU CASA, et al.

The order denying the motion to compel arbitration is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 14, 2005

H027095 RASMUSSEN v. RING CENTRAL, INC., et al.

By the Court\*:

Appellants' petition for rehearing is denied.

Filed: July 14, 2005

\*Before Rushing, P.J., Premo, J. and Elia, J.

H028362 In re ALEJANDRO G.; DFCS v. JANET H.

The cause herein is ordered submitted.

Dated: July 14, 2005 RUSHING, P.J.

H027645 PEOPLE v. TOMAS

The appeal is dismissed for failure to obtain a certificate of probable cause. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 14, 2005

H027985 PEOPLE v. ABRAM

The commitment order in this case is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 14, 2005

H027410 PEOPLE v. DRAGOS

The judgment is reversed, and the matter is remanded to the trial court to allow defendant to withdraw his plea. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 14, 2005

H027775 IN RE EMILIANO GUTIERREZ SOLORIO ON HABEAS CORPUS

The cause herein is ordered submitted.

Dated: July 14, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

Sixth Appellate District

San Jose, California

Thursday, July 14, 2005 (continued)

H026546 PEOPLE v. JIANG

By the Court:

The written opinion which was filed on June 16, 2005, is certified for publication. (Mihara, J.; Elia, Acting P.J.)

The written opinion which was filed on June 16, 2005, has now been certified for publication in its entirety pursuant to California Rules of Court, rule 976(b), and it is therefore ordered that it be published in the Official Reports.

Dated: July 14, 2005 Elia, Acting P.J.

FRIDAY, JULY 15, 2005

H027436 SIAM v. KIZILBASH

The order of the superior court denying defendant's special motion to strike is reversed. The trial court is instructed to enter a new order granting defendant's motion in part and striking the seventh cause of action from the first amended complaint. The parties shall bear their own costs on appeal.

(published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 15, 2005

H028060 MARTIN v. RUNDQUIST, et al.

The orders are affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 15, 2005